

TX Result Report

P 1
 07/23/2020 09:08
 Serial No. A79K011008494
 TC: 300013

Addressee	Start Time	Time	Prints	Result	Note
4192228427	07-23 09:05	00:02:24	006/006	OK	1629

Note TMR:Timer TX, POL:Polling, ORG:Original Size Setting, FME:Frame Erase TX,
 DPG:Page Separation TX, MIV:Mixed Original Tx, CALL:Manual TX, CSRC:CSRC,
 FWD:Forward, PC:PC-FAX, BND:Double-Sided Binding Direction, Sp:Special Original,
 FCODE:F-code, RTX:Re-Tx, RLY:Relay, MBX:Confidential, BUL:Bulletin, SIP:SIP Fax,
 IPADR:IP Address Fax, I-FAX:Internet Fax

Result OK: Communication OK; S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 REC: Received, DEL: NG: Other Error, Cont: Continue, No Ans: No Answer,
 REFUSE: Receipt Refused, BUSY: Busy, M-FULL:Memory Full, LOVR:Receiving length Over,
 POUR:Receiving page Over, FIT:File Error, DC:Decode Error, MDN:MDN Response Error,
 DSN:DSN Response Error, PRINT:Compulsory Memory Document Print,
 DEL:Compulsory Memory Document Delete, SEND:Compulsory Memory Document Send.

HUFFMAN, KELLEY, BROCK & GOTTSCHALK, LLC
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RECIPIENT INFORMATION

NAME OF COURT: Allen County Common Pleas

FAX NO.: 419-222-8427

SENDING PARTY INFORMATION

NAME: Jason N. Flower
SUPREME CT.# 0085972
OFFICE/FIRM: Huffman, Kelley, Brock & Gottschalk, LLC
ADDRESS: 540 West Market Street Lima, Ohio 45801
TELE #: 419-227-3423
FAX #: 419-221-3592
EMAIL: jnf@540westmarket.com

CASE INFORMATION

TITLE OF CASE: Swink v. Reinhart Foodservice

CASE NUMBER: CV 2020 0204

TITLE OF DOC.: First Amended Complaint for Personal Injury with Jury Demand

JUDGE: Kohlreiser

FILING INFORMATION

DATE OF FAX: July 23, 2020

NUMBER OF PAGES: 6 (including cover sheet)

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IN THE COMMON PLEAS COURT, ALLEN COUNTY, OHIO

Lea R. Swink,	:	CASE NO. CV 2020 0204
1429 Wilson Avenue	:	
Lima, Ohio 45805	:	JUDGE KOHLREISER
:		
Plaintiff,	:	
:		
-vs.-	:	FIRST AMENDED COMPLAINT FOR
:		
Reinhart Foodservice, LLC,	:	PERSONAL INJURY WITH JURY
6720 North 9th Street	:	DEMAND
Omaha, Nebraska, 68101	:	
:		
and	:	
:		
Baoku Ojo Moses,	:	
1310 Banklick Street	:	
Covington, Kentucky 41011	:	
:		
Defendants.	:	

Now comes Plaintiff, Lea R. Swink, through the undersigned counsel, and for her Complaint against Defendants, alleges and avears as follows.

SUMMARY OF ACTION

1. This is a civil action seeking monetary damages against Defendants Boaku O. Moses and Reinhart Foodservice, LLC, under a theory of respondeat superior and negligence for causing injury to Plaintiff Lea R. Swink as a result of an automobile accident.

JURISDICTION AND VENUE

2. Plaintiff Lea R. Swink is a citizen of the United States, and a resident of the Lima, Allen County, Ohio.
3. Defendant Reinhart Foodservice, LLC ("Reinhart") is a corporation formed under the laws of the State of Nebraska, doing business in the state of Ohio.
4. Defendant Boaku O. Moses ("Moses") is a resident of the state of Kentucky.
5. The damages in this matter exceed, exclusive of interests and costs, the sum of \$25,000.00.
6. This matter is properly before this Court as the events occurred in Allen County, Ohio, and Plaintiff resides in Allen County, Ohio.

COUNT ONE – NEGLIGENCE

7. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein, and further alleges the following.
8. On or about July 12, 2018, Plaintiff was operating a 1997 Mercury Mountaineer, traveling eastbound on Lincoln Highway, in Allen County, Ohio.
9. At the time and place as stated herein, Defendant Moses was a permissive driver of a semi-tractor trailer owned by Defendant Reinhart.
10. At the time and place as stated herein, Defendant Moses was acting on his own behalf and as an authorized agent of Defendant Reinhart.
11. At the time and place as stated herein, Defendant Moses, individually and as an authorized agent of Defendant Reinhart, operated the semi-tractor trailer, traveling northbound on Stewart Road, crossing Lincoln Highway directly in to the path of Plaintiff's vehicle.

12. At the time and place as stated herein, Defendant Moses had a duty to operate the semi-tractor trailer with care and caution to avoid causing any harm to Plaintiff.
13. At the time and place as stated herein, Defendant Moses breached his duty to Plaintiff, by negligently driving his vehicle into the direct path of Plaintiff's vehicle, causing Plaintiff to hit the semi-tractor trailer.
14. Defendant Moses was cited for failure to stop at an intersection, in violation of Ohio Revised Code § 4511.43(A).
15. As a the direct and sole proximate result of Defendant Moses' negligence, Plaintiff suffered severe, permanent, and substantial physical injuries; lost wages; permanent loss of enjoyment of life; emotional distress; and expects to incur future injuries as a result of her continued medical care; and incurred medical bills and damages in the excess of \$25,000.00.

COUNT II - RESPONDEAT SUPERIOR

16. Plaintiff re-alleges and re-avers the foregoing paragraphs as if fully re-written herein and further alleges the following.
17. On or about July 12, 2018, and at the time of the collision with Plaintiff, Defendant, Moses was acting within the scope of his employment with Defendant Reinhart.
18. On or about July 12, 2018, and at the time of the collision with Plaintiff, Defendant, Moses was traveling for the benefit of Defendant Reinhart, and said travel was related to Defendant Moses' employment with Defendant Reinhart.
19. On or about July 12, 2018, and at the time of the collision with Plaintiff, Defendant, Moses was the permissive driver of the semi-tractor trailer, which was owned by Defendant Reinhart.
20. As a the direct and sole proximate result of Defendants' negligence, Plaintiff suffered severe, permanent, and substantial physical injuries; lost wages; permanent loss of

enjoyment of life; emotional distress; and expects to incur future injuries as a result of her continued medical care; and incurred medical bills and damages in the excess of \$25,000.00.

STATEMENT OF INCORPORATION

21. All facts in all causes of action are reincorporated in all other causes of action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, as follows:

- A. Plaintiffs demand compensatory damages in an amount to exceed \$25,000.00;
- B. Plaintiffs demand prejudgment and post judgment interest at the statutory rate;
- C. Plaintiffs demand their costs of their action to include reasonable attorney fees;
- D. Plaintiffs demand such other and further relief to which they may be entitled at equity or law; and
- E. Any other equitable remedy this Court deems just and fair.

JURY DEMAND

Plaintiff respectfully demands a trial by jury on all issues presented herein.

Respectfully submitted,

Gordon D. Evans, II (0074221)
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Jason N. Flower (0085972)

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Lima, Ohio 45801
419-227-3423/419-227-0582 (fax)
jnf@540westmarket.com
Attorney for Plaintiffs

PRAECIPE FOR SERVICE

TO THE CLERK:

Please serve a copy of this Complaint upon all named defendants at the above captioned address, via certified U.S. Mail.



Jason N. Flower (0085972)